

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Petitioner,

v.

**JAMES LOUGHREY, CUSTODIAN OF RECORDS
and TRUSTEE OF LOMA SERVICES, INC. SIMPLE
SERVICES, INC. SIMPLE IRA PLAN,**

Respondent.

CIVIL ACTION

File No. 1:08-CV-00193

Judge Guzman

ORDER OF CONTEMPT

Petitioner, ELAINE L. CHAO, Secretary of Labor, United States Department of Labor ("Petitioner"), by her attorneys, filed a Petition to Compel Respondent, James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simple IRA Plan, to comply with the subpoena duces tecum issued and directed by the Regional Director, Chicago Regional Office, Employee Benefits Security Administration, United States Department of Labor, in aid of an investigation pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et seq.* (hereinafter "ERISA").

The court heard the matter on April 30, 2008 and issued an Order to Show Cause to Respondent, James Loughrey, to appear on June 30, 2008 and show cause, if any, why the Petition to Compel to Comply with the Subpoena Duces Tecum should not be granted. Based upon the hearing held in this matter on June 30, 2008,

IT IS HEREBY ORDERED that


1. Respondent James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simpler IRA Plan is in civil contempt of this Court's January 24, 2008 and April 30, 2008 orders, having failed to provide Petitioner with the documents listed in Petitioner's Declaration of Employee Benefits Security Administration Investigator Aniela Janachowski. A true and correct copy of the Declaration is attached to Petitioner's Request for Order to Show Cause as Exhibit B.

2. A fine of \$ 150.00 per day shall be assessed by the Court against Respondent James Loughrey until such time as he has complied with this Court's previous orders and purged himself of contempt by providing the documents requested in Petitioner's exhibit. The responsive documents shall be provided to the Employee Benefits Security Administration, 200 W. Adams, Suite 1600, Chicago, Illinois 60606, Attn: Aniela Janachowski.

3. Petitioner is awarded fees and costs related to the filing of this petition. The Petitioner shall provide the court with a fee petition and recitation of costs within 15 days of the entry of this order.

4. The United States Marshall shall serve a copy of this order within ten (10) days on Respondent, James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simple IRA Plan at 8402 S. Hillside Drive, Palos Park, Illinois 60464.

Dated this Sixth day of August, 2008.


HONORABLE RONALD A. GUZMAN
UNITED STATES DISTRICT JUDGE